

REMARKS

Claims 1, 2, 5, 6, 8-44, 47-54, 56-70, 73-93, 95, and 96 are pending in the application for the Examiner's review and consideration. Claims 1, 44, 64, and 70 were amended to further clarify the invention.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 1 and 70 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Japanese Patent No. 2,131,387 ("387"). Applicants respectfully traverse and obviate the rejection.

The '387 reference teaches a cleaner comprising a polysaccharide(s) having as the principal chain, beta-1,3-glucan produced by *Aureobasidium* microorganisms. *See, e.g., '387, Abstract.* The '387 reference further teaches that "three per four glucoses of a principal chain have branching of beta-1 and the glucose combined six times, and beta-1 and 3-glucan whose sulfur content is 0.1 – 1% of the weight to a polysaccharide are main. The sulfur content machine in this invention shows a sulfo acetic-acid machine, a sulfonic group, a polysulfone acid radical, a cysteine, a cystine, or a methionine." *See, e.g., '387, Paragraph 10.*

On pages 2-3 of the Office Action, it is alleged that the present invention is anticipated by the '387 reference. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. The '387 reference does not disclose each and every limitation of the present invention. Specifically, the '387 reference does not disclose a fabric care composition consisting essentially of, among other ingredients, a fabric care polysaccharide.

Claim 1, as amended, discloses a composition consisting essentially of from about 0.001% to about 20%, by weight of the composition, of a non-derivatized fabric care polysaccharide with globular structure and having a backbone comprising at least some 1, 3- β -glycosidic linkages and other optional ingredients. Claim 70 discloses a method for providing a fabric with a fabric care benefit, where said fabric is contacted with an effective amount of a non-derivatized fabric care composition consisting essentially of a fabric care polysaccharide with globular structure. The '387 reference requires that the polysaccharides of its disclosure have a sulfur content of 0.1 – 1% by weight. *See, e.g., '387, Paragraph 10.* The present invention does not disclose the presence of sulfur as part of the polysaccharide. Further, Applicants have amended claims 1 and 70 to disclose compositions consisting essentially of a fabric care polysaccharide, among other elements, in order to "limit the scope of [the] claim[s] to the specified materials or steps and those that do not materially affect the basic and novel

characteristic(s)' of the claimed invention." *See*, MPEP, 8th edition § 2111.03. Thus, the '387 reference does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Claims 1, 4, 44, and 70 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Japanese Patent No. 6,184,943 ("943"). Applicants respectfully traverse and obviate the rejection.

On page 3 of the Office Action, it is alleged that the present invention is anticipated by the '943 reference. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. The '943 reference does not disclose each and every limitation of the present invention. Specifically, the '943 reference does not disclose a fabric care composition consisting essentially of, among other ingredients, a fabric care polysaccharide.

The '943 reference discloses an antistatic sizing agent for fiber, comprising a cationized pullulan. *See, e.g.*, '943, Abstract. Claims 1, 44, and 70, as amended, all disclose non-derivatized fabric care polysaccharide with globular structure and having a backbone comprising at least some 1,3 β -glycosidic linkages. *See, e.g.*, Specification, page 10, lines 17-21. Claim 4 was cancelled in a previous Office Action. Pullulans, as discussed in the present invention, are made from 1,6 linked backbones. *See, e.g.*, Specification, page 9, lines 24-33. Thus, the '943 reference does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Claim 1 was rejected under 35 U.S.C. §102(e) as being allegedly anticipated by United States Patent No. 5,914,443 ("443"). Applicants respectfully traverse and obviate the rejection.

On page 3 of the Office Action, it is alleged that the present invention is anticipated by the '443 reference. The '443 reference does not disclose each and every limitation of the present invention. Specifically, the '443 reference does not disclose a fabric care composition consisting essentially of, among other ingredients, a fabric care polysaccharide.

The '443 reference allegedly discloses a new method of manufacturing a fabric or a garment with a stone-washed or worn look, the method comprising coating the yarn or fabric or

garment with a polymer, .g., a xyloglucan. *See, e.g.*, '443, Abstract. Claim 1, as amended, discloses a non-derivatized fabric core polysaccharide with globular structure and having a backbone comprising at least some 1,3 β -glycosidic linkages. *See, e.g.*, Specification, page 10, lines 17-21. Xyloglucans, as discussed by the present invention, are made from 1-4 α -linked backbone structures. *See, e.g.*, Specification, page 9, lines 24-33. Thus, the '443 reference does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(e) be reconsidered and withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1, 2, 5, 6, 8-44, 47-54, 56-70, 73-93, 95, and 96 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over United States Patent No. 6,290,978 to Mak et al. ("978"). Applicants respectfully traverse and obviate the rejection.

The Office Action alleges that it would have been obvious to one of ordinary skill in the art to incorporate the compositions of the '978 reference in a fabric conditioner or cleaner. Applicants respectfully submit that the '978 reference does not disclose or suggest each and every limitation of the present invention. The compositions of the present invention include, among other ingredients, a non-derivatized fabric care polysaccharide. The '978 reference discloses only derivatized arabinogalactans. *See, e.g., '978, Abstract.* The '978 reference neither discloses or suggests compositions containing non-derivatized fabric care polysaccharide. Thus, the '978 reference does not disclose or suggest each and every limitation of the present invention. Applicants respectfully submit that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to all claims not specifically mentioned, these are believed to be allowable not only in view of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicants respectfully invite the Examiner to contact the undersigned attorney for Applicants to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. A fee for a three month extension of time is believed due. Please charge any required fees to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,

By 

Mark A. Charles
Attorney for Applicant
Registration No. 51,547
Tel. No. (513) 627-4229

Dated: September 22, 2003
Customer Number: 27752

RECEIVED
CENTRAL FAX CENTER
SEP 23 2003

OFFICIAL